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10 UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

11 UNITED STATES OF AMERICA,

12 Plaintiff,

13 v.

14 GARNET WILLIS,

15 Defendant.
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No. CR-05-6033-RHW

**ORDER DENYING MOTION FOR
RECONSIDERATION**

17 Before the Court is Defendant's Motion to Reconsider its order denying his
18 motion for a reduced sentence, brought under 18 U.S.C. § 3582(c)(2). The Court held
19 a telephonic hearing on February 27, 2012. Jane Kirk appeared on behalf of the
20 Government. Scott Ashby represented the Defendant, who was not present. FED. R.
21 CRIM. P. 43(b)(4). The Defendant argues that Freeman v. United States, ___ U.S. ___,
22 132 S. Ct. 2685, 2695 (2011), decided after the denial of the original motion, now
23 permits a reduction in this case. The Court agrees that it has discretion to reduce the
24 sentence based on the crack-cocaine guideline amendments. But because of the
25 Defendant's extensive and violent criminal history, along with the beneficial sentence
26 he received from his 11(c)(1)(C) plea agreement, the Court denies the motion. Id. at
27 2694 ("If the district court, based on its experience and informed judgment, concludes
28 the [plea] agreement led to a more lenient sentence than would otherwise have been

1 imposed, it can deny the motion[.]").

2 Accordingly, **IT IS HEREBY ORDERED:**

3 1. The Defendant's Motion for Reconsideration(ECF No. 68) is **DENIED.**

4 **IT IS SO ORDERED.** The District Court Executive is directed to enter this
5 order and to provide copies to counsel and the U.S. Probation Office.

6 **DATED** this 27th day of February, 2012.

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9 *s/Robert H. Whaley*
10 **ROBERT H. WHALEY**
United States District Judge

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